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August 21, 2024

**VIA ECF**

Hon. Jennifer L. Rochon  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 20B  
New York, New York 10007

Re: Nixon v. Pond5, Inc., 1:24-cv-05823 (JLR)

Dear Judge Rochon:

Pursuant to the Court's Individual Rules of Practice in Civil Cases, we write on behalf of Defendant Pond5, Inc. to respectfully request an extension of the deadline to respond to the Complaint. Pond5 was served with the Summons and Complaint on August 2, 2024 (ECF No. 6.), making its response to the Complaint due on August 23, 2024. Subject to further review of the Complaint, Pond5 currently intends to file a motion to dismiss. The Parties have met and conferred and agree to extend the motion to dismiss briefing schedule to allow Pond5 additional time to review the Complaint and additional time for Plaintiffs to respond to Pond5's anticipated motion.

The Parties respectfully request that the Court enter the following briefing schedule:

- Defendant will file a motion to dismiss on or before September 20, 2024;
- Plaintiffs will file any opposition to the motion on or before November 1, 2024;
- Defendant will file any reply in further support of the motion on or before November 22, 2024.

The parties also respectfully request that the initial pretrial conference currently scheduled for October 29, 2024 (ECF No. 7) be adjourned until after the motion is fully briefed and decided, to make for a more productive conference. This is the first request for an extension or adjournment in this matter.

Respectfully submitted,

/s/ Mark David McPherson

Mark David McPherson

Cc: All counsel of record (*via ECF*)

The Court APPROVES the above-listed briefing schedule.  
The Court GRANTS the request to adjourn the initial pretrial conference, and said conference is adjourned without date.

Dated: August 21, 2024  
New York, New York

**SO ORDERED.**

*Jennifer Rochon*  
JENNIEER L. ROCHON  
United States District Judge